



FEMA

October 03, 2019

SENT VIA E-MAIL TO: foia@americanoversight.org

Austin R. Evers
Executive Director
American Oversight
1030 15th Street, NW
Washington, DC 20005

Re: FEMA 2019-FEFO-00185 Final Response

Dear Mr. Evers:

This is the final response to your Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA), dated and received in this office on December 20, 2018. You requested all communications (including emails, email attachments, calendar invitations or entries, and text messages) from January 20, 2017 to the date the search was conducted that included any of the following terms:

- “great again”
- MAGA*5
- #MAGA
- “drain the swamp”
- #draintheswamp
- “build the wall”
- “build that wall”
- #buildthewall
- #buildthatwall
- “promises made”
- “promises kept”
- #promiseskept
- Trump2020
- #trump2020
- “Trump Train”
- #trumprtrain
- “Keep America Great”
- #keepamericagreat
- “lock her up”
- #lockherup
- “lock them up”
- #lockthemup

- #GOP

The custodians you requested be searched were the following: (1) Brock Long, Administrator; (2) Eric Heighberger, Chief of Staff; and (3) Daniel Kaniewski, Acting Deputy Administrator. You further specified that you sought records that will provide the public with information about the pervasiveness of slogans and terms associated with the president's political campaigns among federal employees—and whether the Hatch Act is being enforced with regard to pro-Trump speech.

A search of FEMA's Office of the Chief Information Official (OCIO), the component that maintains the mailboxes of the listed custodians, for documents responsive to your request produced a total of 2 pages. We are granting your request under the FOIA, Title 5 U.S.C. § 552, as amended, and DHS' implementing regulations, 6 C.F.R. Chapter I and Part 5. After carefully reviewing the responsive documents, I have determined that they are appropriate for public release. They are enclosed in their entirety; no deletions or exemptions have been claimed.

You have the right to appeal if you disagree with FEMA's response. The procedure for administrative appeals is outlined in the DHS regulations at 6 C.F.R. § 5.8. In the event you wish to submit an appeal, we encourage you to both state the reason(s) you believe FEMA's initial determination on your FOIA request was erroneous in your correspondence, and include a copy of this letter with your appeal. Should you wish to do so, you must send your appeal within 90 days from the date of this letter to fema-foia@fema.dhs.gov, or alternatively, via mail at the following address:

FEMA
Office of the Chief Administrative Officer
Information Management Division (FOIA Appeals)
500 C Street, SW, Seventh Floor, Mail Stop 3172
Washington, D.C. 20472-3172

As part of the 2007 amendments, the Office of Government Information Services (OGIS) was created to offer mediation services to resolve disputes between FOIA requesters and Federal agencies. You may contact OGIS in any of the following ways:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road- OGIS
College Park, MD 20740-6001
E-mail: ogis@nara.gov
Web: <https://ogis.archives.gov>
Telephone: 202-741-5770/Toll-free: 1-877-684-6448
Facsimile: 202-741-5769

Provisions of the FOIA allow us to recover part of the cost of complying with your request. In this instance, because the cost is below the \$25 minimum, there is no charge.

If you have any questions or would like to discuss this matter, you may contact FEMA at (202) 646-3323, or you may contact FEMA's Public Liaison in the same manner. Please reference the subsequent case identifier: **FEMA 2019-FEFO-00185**.

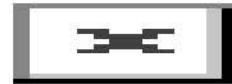
Sincerely,

A handwritten signature in black ink, appearing to read "Gregory Bridges".

Gregory Bridges
Lead Government Information Specialist

Enclosure(s): Response documents (2 pages)

From:	DHS Employee Communications <DHSEmployee.Communications@HQ.DHS.GOV>
Subject:	Message from DHS Ethics Official on Updated Hatch Act Guidance
Date:	2018/03/14 11:35:18
Priority:	Normal
Type:	Note



March 14, 2018

Message on Updated Hatch Act Guidance and President Donald J. Trump's Official Candidacy for Re-election

President Trump has officially declared his candidacy for the 2020 Presidential election. The Office of Special Counsel (OSC) recently issued updated guidance regarding the application of the Hatch Act to political activities related to the President's re-election campaign.

The Hatch Act generally prohibits the political activity of federal employees while on duty, in a federal workplace, when in uniform, in a government vehicle, or while conducting official business. It also places some restrictions on political activities that occur away from work and on one's own time, such as political fundraising.

As it relates to the President's re-election campaign, OSC's recent guidance points out that, as with "any other candidate, the Hatch Act prohibits federal employees from engaging in activity directed at the success or failure of the President's candidacy while they are on duty or in the workplace." Further, the guidance states that the application of the Hatch Act is "broad and encompasses more than displays or communications (including in-person and via email or social media) that expressly advocate for or against President Trump's re-election." Examples of prohibited activities while at work or on official business now include wearing, displaying, or distributing both 2016 and 2020 campaign paraphernalia, including items with the "Make America Great Again" slogan, and the display of non-official pictures of the President.

I encourage you to review the guidance and consult with your Ethics Officials or the OSC if you have questions. More information about the Hatch Act can be found here.

Joseph B. Maher
Designated Agency Ethics Official

Sender:	DHS Employee Communications <DHSEmployee.Communications@HQ.DHS.GOV>
Sent Date:	2018/03/14 11:14:54
Delivered Date:	2018/03/14 11:35:18